

**TITLE 10. CALIFORNIA CODE OF REGULATIONS**  
**CHAPTER 5.6. ACCESS FOR INFANTS AND MOTHERS PROGRAM**

**ARTICLE 1. DEFINITIONS**

2699.100. Definitions

- (a) "Appellant" means an applicant or subscriber who has filed an appeal with the program.
- (b) "Applicant" means a pregnant woman 18 years of age or older who is applying on her own behalf, or a legal guardian or a natural parent, foster parent, or stepparent with whom the child resides, who applies for coverage under the program on behalf of a child. "Applicant" also means a pregnant woman who is applying for coverage on her own behalf who is under 18 years of age, or who is an emancipated minor, or who is a minor not living in the home of a natural or adoptive parent, a legal guardian, foster parent or stepparent.
- (c) "Application Date" means the date an application is sent to the program as evidenced by the U.S. postmark date on the application envelope, or documentation from other delivery services including fax delivery.
- (d) "Board" means the Managed Risk Medical Insurance Board.
- (e) "Coverage" means the payment for benefits provided through the program.
- (f) "Disenroll" means to terminate coverage by the program.
- (g) "Eligible" means the applicant is qualified to be enrolled in a participating health plan.
- (h) "Enroll" means to accept an applicant as a subscriber by notifying a participating health plan to accept the applicant.
- (i) "Executive Director" means the executive director for the Board.
- (j) "Family member" means the following persons living in the individual's home:
  - (1) Children under age 21, of married or unmarried parents living in the home.

- (2) The married or unmarried parents of the child or sibling children.
  - (3) The stepparents of the sibling children.
  - (4) The separate children of either an unmarried parent or a married parent or stepparent.
  - (5) An unborn child of the pregnant woman who is applying for coverage on her own behalf or on whose behalf an application has been submitted.
  - (6) Children under the age of 21, of married or unmarried parents, away at school who are claimed as tax dependents.
  - (7) The spouse of the pregnant woman.
- (k) "Federal poverty level" means the level determined by the "Poverty Guidelines for the 48 Contiguous States and the District of Columbia" as contained in the Annual Update of HHS Poverty Guidelines as published in the Federal Register by the U.S. Department of Health and Human Services.
- (l) "Gross household income" means the total annual gross income of all family members except dependent children. Income includes before tax earnings from a job, including cash, wages, salary, commissions and tips, self-employment net profits, Social Security, State Disability Insurance (SDI), Retirement Survivor Disability Insurance (RSDI), veterans benefits, Railroad Retirement, disability worker's compensation, unemployment benefits, alimony, spousal support, pensions and retirement benefits, grants that cover living expenses, settlement benefits, rental income, gifts, lottery/bingo winnings and interest income. Income excludes child support, public assistance program benefits such as SSI/SSP and CalWORKS payments, foster care payments, general relief, loans, grants or scholarships applied toward college expenses, or earned income of a child aged 13 or under, or a child attending school. Income does not include income exclusions applicable to all federal means tested programs such as, disaster relief payments, per capita payments to Native Americans from proceeds held in trust and/or arising from use of restricted lands, Agent Orange payments, Title IV student assistance, energy assistance payments to low income families, relocation assistance payments, victims of crime assistance program, Spina Bifida payments, earned income tax credit and Japanese reparation payments.
- (m) "Healthy Families Program" (HFP) means the Federal/State funded program that is operated pursuant to Title XXI of the Social Security Act

and Part 6.2 (commencing with Section 12693) of Division 2 of the California Insurance Code, and that provides low cost health, dental and vision insurance coverage to eligible children.

(~~m~~n) "Income deduction" means any of the following:

- (1) Work expenses of \$90 per month for each family member except dependent children working or receiving disability workers' compensation or State Disability Insurance. If a family member earns less than \$90, the deduction can only be for the amount earned.
- (2) Child care expenses while a family member works or trains for a job of up to \$200 per month for each family member under age 2, up to \$175 per month for each family member over age 2 and disabled dependent care expenses of up to \$175 for a disabled dependent living in the home.
- (3) The amount paid by a family member per month for any court ordered alimony or child support.
- (4) \$50 for alimony payments received by the pregnant woman. If a woman receives less than \$50, the deduction can only be for the amount received.

(~~n~~o) "Infant" means a subscriber's child born to a subscriber while the subscriber is enrolled in the program.

(~~o~~p) "Living in the home" means using the home as the primary place of residence.

(~~p~~p) "Medi-Cal" means the California health care services program under Title XIX of the Social Security Act.

(~~q~~r) "Medicare" means the Health Insurance for the aged and permanently disabled provided under Title XVIII of the Social Security Act; "Part A" means Hospital Insurance as defined in Title XVIII of the Social Security Act; and "Part B" means Medical Insurance as defined in Title XVIII of the Social Security Act.

(~~r~~s) "Participating health plan" means any of the following plans which are lawfully engaged in providing, arranging, paying for, or reimbursing the cost of personal health care services under insurance policies or contracts, medical and hospital service arrangements, or membership contracts, in consideration of premiums or other periodic charges payable

to it, and that contracts with the program to provide coverage to program subscribers:

- (1) A private insurer holding a valid outstanding certificate of authority from the Insurance Commissioner.
- (2) A nonprofit hospital service plan qualifying under Chapter 11a (commencing with Section 11491) of Part 2 of Division 2 of the Insurance Code.
- (3) A nonprofit membership corporation lawfully operating under the Nonprofit Corporation Law (Division 2 (commencing with Section 5000) of the Corporations Code).
- (4) A health care service plan as defined under subdivision (f) of Section 1345 of the Health and Safety Code.
- (5) A county or a city and county, in which case no license or approval from the Department of Insurance or the Department of Corporations shall be required to meet the requirements of this part.
- (6) A comprehensive primary care licensed community clinic that is an organized outpatient freestanding health facility and is not part of a hospital that delivers comprehensive primary care services, in which case, no license or approval from the Department of Insurance or the Department of Corporations shall be required to meet the requirements of this part.

- (~~s~~t) "Program" means the Access for Infants and Mothers Program.
- (~~t~~u) "Resident" means a person who is present in California with intent to remain present except when absent for transitory or temporary purposes.
- (~~u~~v) "Subscriber" means an individual who is eligible for and enrolled in the program.
- (~~w~~x) "Subscriber contribution" means the cost to the subscriber to participate in the program.
- (~~w~~x) "Tenses and Number". The present tense includes the past and future, and the future the present; the singular includes the plural and the plural the singular.

- (~~xy~~) "Time". Whenever in this chapter a time is stated in which an act is to be done, the time is computed by excluding the first day and including the last day. If the last day is a holiday it is also excluded.

NOTE: Authority cited: Section 12696.05, Insurance Code. Reference: Sections 12695, 12695.06, 12695.08, 12695.18, 12695.20, 12695.22, 12695.24, 12696 and 12698, Insurance Code.

## **ARTICLE 2. ELIGIBILITY, APPLICATION, AND ENROLLMENT**

### **2699.200. Basis of Eligibility**

- (a) All eligibility requirements contained herein shall be applied without regard to race, creed, color, sexual orientation, health status, national origin, occupation, or occupational history of the individual applying for the program.
- (b) To be eligible for the program, an individual shall meet the requirements of either (1) or (2):
  - (1) Meet all of the following requirements:
    - (A) Be certified as pregnant by a staff person authorized by the Planned Parenthood Organization or a licensed or certified healthcare professional, including, but not limited to a medical doctor, doctor of osteopathy, registered nurse physician's assistant, nurse midwife, vocational nurse, or medical assistant, and have a reasonable good faith belief that the pregnancy is not beyond the 30th week of gestation as of the application date; and
    - (B) Be a resident of the state of California and have been a resident for at least six continuous months immediately prior to the date of signing the application; and
    - (C) Have a monthly household income after income deductions that is above 200 percent of the federal poverty level but does not exceed 300 percent of the federal poverty level at the time of application; and
    - (D) Pay the first portion of the subscriber contribution, which shall be fifty dollars (\$50), and agree to the payment of the complete subscriber contribution; and

- (E) Not be reimbursed by any health care provider or any state or local governmental entity for payment of the subscriber contribution and not have any health care provider or state or local governmental entity pay the subscriber contribution; and
  - (F) Not be a beneficiary of either no-cost Medi-Cal or Medicare Part A and Part B as of the application date; and
  - (G) Not be covered for maternity benefits in a private insurance arrangement as of the application date. A pregnant woman in a private insurance arrangement with a separate maternity only deductible or copayment greater than \$500 shall be deemed not covered for maternity benefits for purposes of determining eligibility.
- (2) Be an infant of less than two (2) years of age ~~that was~~ born to a program subscriber who was enrolled prior to July 1, 2004, and reside in California.

NOTE: Authority cited: Section 12696.05, Insurance Code. Reference: Sections 12696.05, 12698, 12698.05, and 12698.06, Insurance Code.

2699.201. Application

- (a) To apply for the program an individual shall submit:
  - (1) All information, documentation, and declarations necessary to determine program eligibility as set forth in subsection (d) of this section; and
  - (2) A cashier's check or money order for fifty dollars (\$50.00); and
  - (3) A statement signed by the applicant agreeing that if the pregnant woman is enrolled, the applicant will pay the full subscriber contribution and acknowledging that the program will take aggressive action to collect the full subscriber contribution.
- (b) The applicant shall sign and date a declaration stating that the information is true and accurate to the best of his or her knowledge.
- (c) The applicant will be notified in writing that the application is incomplete and what documentation is required for completion.

- (d) (1) The application, entitled Access for Infants and Mothers (AIM) Application (~~July, 2002~~ rev 6/04) shall contain the following:
- (A) The pregnant woman's full name,
  - (B) The pregnant woman's current living address including house or building number (and unit number if applicable), street, city, county, state, and zip code, and phone number,
  - (C) The pregnant woman's date of birth,
  - (D) The pregnant woman's social security number (provision of the Social Security number is not mandatory),
  - (E) The pregnant woman's ethnicity and primary language (not mandatory),
  - (F) Certification by a staff person authorized by the Planned Parenthood Organization or a licensed or certified healthcare professional, including, but not limited to a medical doctor, doctor of osteopathy, registered nurse, physician's assistant, nurse midwife, vocational nurse, or medical assistant, that the woman on whose behalf the application is filed is pregnant,
  - (G) The first day of the pregnant woman's last menstrual period,
  - (H) A declaration that the pregnant woman is not, to the best of the applicant's knowledge, beyond the 30th week of gestation in a current pregnancy, as of the application date,
  - (I) Information about whether the applicant or anyone in the household smokes,
  - (J) The address to which the bills for the subscriber's contribution are to be sent, if different from the current living address,
  - (K) A list of all family members living in the home, their ages, and relationship to the pregnant woman,
  - (L) A list of those family members, and their social security numbers excluding dependent children, living in the home who had income in the previous or current calendar year, (provision of the social security number is not mandatory),

(M) Documentation of the total monthly gross household income for either the previous or current calendar year. For each person listed in (L) above, provide documentation for each source of income. Such documentation shall ~~include either~~ be provided for the previous or current year as indicated below:

1. For the previous calendar year:

- a. ~~If self-employed, Federal Tax Return, with schedule C, otherwise~~ If self-employed, a schedule C must be included.
- b. ~~Federal personal income tax return or all W-2 forms and 1099 Interest (INT) and/or,~~
- eb. All of the following that are applicable and that reflect the current benefit amount: copies of award letters, checks, ~~or~~ bank statements, passbooks, or internal revenue service (IRS) 1099 forms showing the amount of Social Security, State Disability Insurance (SDI), Retirement Survivor Disability Insurance (RSDI), veterans benefits, Railroad Retirement, disability workers' compensation, unemployment benefits, alimony, spousal support, pensions and retirement benefits, loans to meet personal needs, grants that cover living expenses, settlement benefits, rental income, gifts, lottery/bingo winnings, dividends, or a bank statement or passbook showing interest income.

2. For the current calendar year:

- a. ~~One of the following:~~
- i.a. A letter from the person's current employer. The letter shall be dated and written on the employer's letterhead, and shall include the following:
  - (i). The employee's name.



- ~~(ii).~~ The employer's business name, business address and phone number.
- ~~(iii).~~ A statement of the person's current gross monthly income for a period ending within 45 days of the application date the program receives the document.
- ~~(iv).~~ A statement that the information presented is true and correct to the best of the signer's knowledge.
- ~~(v).~~ A signature by someone authorized to sign such letters by the employer. The signer shall include his or her position name or job title and shall not be the person whose income is being disclosed.
- ~~(vi).~~ ~~A copy of the person's most recent pay stub or if paid with a business check, a copy of the most recent bank processed check front and back to accompany the letter.~~
- ~~(ii)-b.~~ Paystub or unemployment stub showing gross income for a period ending within 45 days of the application date the program receives the document.
- ~~(iii)-c.~~ If self employed, Self-employment a profit and loss statements showing net profit for the most recent three (3) month period of time from the application date prior to the date the program receives the document. A profit and loss statement must include the following:
  - i. Date.
  - ii. Name, address and telephone number of the business.
  - iii. Gross income, gross expenses, and net profit itemized on a monthly basis.

- iv. A statement on the profit and loss, signed by the person who earned the income, which states, "the information provided is true and correct."
- d. A letter or Notice of Action from the County Welfare Office issued within the last two (2) months that includes:
  - i. For each person for whom application is being made, a statement that the person is eligible for share-of-cost Medi-Cal,
  - ii. A determination of total monthly household income and monthly household income after income deductions as defined in Section 2699.100, and
  - iii. A determination of the number of family members living in the household.
- b e. All of the following that are applicable and that reflect the current benefit amount: copies of award letters, checks, ~~or~~ bank statements, or passbooks showing the amount of Social Security, State Disability Insurance (SDI), Retirement Survivor Disability Insurance (RSDI), veterans benefits, Railroad Retirement, disability workers' compensation, unemployment benefits, alimony, spousal support, pensions and retirement benefits, loans to meet personal needs, grants that cover living expenses, settlement benefits, rental income, gifts, lottery/bingo winnings, dividends, ~~or a bank statement or passbook showing~~ interest income for the previous month.
- (N) The name of each family member living in the home who pays court ordered child support or court ordered alimony. The name and age of each person for whom payments are made for child care and/or disabled dependent care by a family member living in the home and the monthly amount paid. Documentation of alimony paid, child care and/or

disabled dependent care expenses paid. Documentation includes copies of court orders, cancelled checks, receipts, statements from the District Attorney's Family Support Division or other equivalent document.

- (O) A declaration that the pregnant woman is not a beneficiary of either no-cost Medi-Cal or Part A and Part B of Medicare,
- (P) A declaration that the pregnant woman has been a resident of the State of California for six (6) continuous months immediately prior to the date of the signing of the application,
- (Q) A declaration that the applicant will abide by the rules of participation, utilization review process, and dispute resolution process of any participating health plan in which the pregnant woman is enrolled,
- (R) Information about any health coverage that is in effect for the pregnant woman or will be in effect for the infant, including the name, address, and policy number of the current insurance or health plan,
- (S) A declaration that the pregnant woman is not, to the best of the applicant's knowledge, covered for maternity benefits in a private insurance arrangement. A pregnant woman with a separate, maternity only deductible or co-payment greater than \$500 shall be deemed not covered for maternity benefits for purposes of this declaration,
- (T) Name and address of the primary employer of each adult family member who is employed,
- (U) Information about health coverage available to the applicant, spouse, or father of the baby who is in the household,
- (V) A declaration that the applicant has reviewed the benefits offered by the participating health plans,
- (W) A declaration that the applicant understands and will follow the rules and regulations of the program,
- (X) A declaration that the applicant is giving permission for the program to verify family income, health insurance, residence, and other circumstances,

- (Y) A declaration that the subscriber is not being, and will not be, reimbursed by any health care provider or any state and local governmental entity for payment of the subscriber contribution and that no health care provider or state or local governmental entity is paying or will pay the subscriber contribution,
  - (Z) An indication of the pregnant woman's first choice and second choice participating health plans,
  - (AA) A declaration that the subscriber agrees to pay the required subscriber contribution, even if the subscriber does not take full advantage of the coverage or services.
  - (BB) A declaration that the information and documentation submitted is true and correct to the best of the applicant's knowledge.
- (2) The Social Security number and other personal information are needed for identification and administrative purposes.
  - (3) If applicable, the applicant's signed authorization to forward the application to the Medi-Cal Program in the county in which the applicant resides for a determination of eligibility for no-cost Medi-Cal.

NOTE: Authority cited: Section 12696.05, Insurance Code. Reference: Sections 12698 and 12698.05, Insurance Code.

2699.205. Registration of Infants

- (a) ~~Within thirty (30) days of birth of an infant a subscriber shall notify their participating health plan in writing of the following information about the infant:~~ For infants born to subscribers who are enrolled prior to July 1, 2004, the subscriber shall register the infant as follows:
  - (1) ~~Name; and~~ Within thirty (30) days of the birth of an infant, the subscriber shall notify her health plan in writing of the following information about the infant:
    - (A) Name; and
    - (2) (B) Date of birth; and
    - (3) (C) Sex; and

- ~~(4)~~ (D) Weight at birth.
- ~~(b)(2)~~ Within thirty (30) days prior to an infant's first birthday, the subscriber shall notify the program in writing if the subscriber wishes to disenroll the infant from the program. If notification is not received, the child is automatically enrolled for the second year.
- (b) For infants born to subscribers who are enrolled on or after July 1, 2004, the subscriber shall register the infant in the Healthy Families Program as follows:
  - (1) Upon the birth of the infant, the subscriber shall remit to the Healthy Families Program the required premium and provide the following information about the infant:
    - (A) Name; and
    - (B) Date of birth; and
    - (C) Sex.
  - (2) The Healthy Families Program shall request the infant's birth weight and primary care provider from the subscriber.
  - (3) Subject to all requirements specified in the statute and regulations governing the Healthy Families Program, the infant will be enrolled in the Healthy Families Program with coverage effective on the date of the infant's birth.

NOTE: Authority cited: Section 12696.05, Insurance Code. Reference: Sections 12693.765 and 12696, Insurance Code.

#### 2699.209. Coverage

- (a) The date on which the coverage shall begin shall be no later than ten (10) calendar days from the date the applicant is enrolled. Coverage shall not begin if the pregnancy terminates prior to the effective date of coverage.
- (b) Coverage in the program for the subscriber shall be for one pregnancy and shall include services following the pregnancy for sixty (60) days. The subscriber shall be notified of the date her coverage ends and such notice will be provided at least twenty (20) days prior to that date.

- (c) Coverage in the program for an infant born to a subscriber who is enrolled prior to July 1, 2004 shall be for two (2) years from the date of the birth of the child.
- (d) Notwithstanding subsections (b) and (c) above, coverage in the program for either the subscriber or the infant will cease at disenrollment.

NOTE: Authority cited: Section 12696.05, Insurance Code. Reference: Sections 12696.05 and 12698.30, Insurance Code.

#### ARTICLE 4. SUBSCRIBER CONTRIBUTIONS

##### 2699.400. Subscriber Contributions

- (a) Subscriber contributions shall be:
  - (1) An initial fifty dollars (\$50.00) to be submitted with the application; and
  - (2) For subscribers who are enrolled prior to July 1, 2004, the difference between two percent (2%) of the subscriber's gross household income, less deductions, as documented with the application and fifty dollars (\$50.00), which amount shall be due in twelve (12) equal monthly installments beginning with the first month following enrollment; and
  - (3) For infants born to subscribers who are enrolled prior to July 1, 2004, One hundred dollars (\$100.00) which shall be due on the infant's first birthday unless either of following apply:
    - (A) The infant is disenrolled from the program prior to the infant's first birthday, or
    - (B) The subscriber provides written proof that the infant is current for the infant's first year immunizations. Such immunizations shall be consistent with the most current version of the Recommended Childhood Immunization Schedule jointly adopted by the Advisory Committee on Immunization Practices, the American Academy of Pediatrics, and the American Academy of Family Physicians. The written proof of completed current first year immunizations shall be signed by a licensed medical doctor, licensed doctor of osteopathy, registered nurse, or licensed physician's assistant. When such written notice is provided the amount shall be fifty dollars (\$50.00).
  - (4) For subscribers who are enrolled on or after July 1, 2004, the difference between one and one-half percent (1.5%) of the subscriber's gross household income, less deductions, as documented with the application and fifty dollars (\$50.00), which amount shall be due in twelve (12) equal monthly installments beginning with the first month following enrollment.
- (b) There shall be no penalty for early payment of any portion of the subscriber contribution.

- (c) In cases of multiple births to a subscriber, the \$100 payment shall apply to each infant born to a subscriber who is enrolled prior to July 1, 2004.
- (d) Subscribers shall not be reimbursed by any health care provider or state or local governmental entity for payment of the subscriber contribution and shall not have any health care provider or state or local governmental entity pay the subscriber contribution.
- (e) No portion of the subscriber contribution is refundable except as provided in Sections 2699.202 and 2699.203 or unless the subscriber is disenrolled pursuant to Subsection 2699.207(a)(2)(C).
- (f) A federally recognized California Indian Tribal Government may make required subscriber and infant contributions on behalf of a member of the tribe.
- (g) An applicant in arrears of subscriber contributions shall be sent a reminder notice. Applicants who become ninety (90) days in arrears on subscriber contributions will be reported to a credit reporting agency. If accounts are paid in full at a later date, the credit reporting agency's records shall be updated.

NOTE: Authority cited: Section 12696.05, Insurance Code. Reference: Sections 12696, 12696.05, and 12698, Insurance Code.

#### 2699.401. Discount for Prepayment of Subscriber Contribution

~~The amount described in Section 2699.400(a)(2) shall be reduced by fifty dollars (\$50.00) if the subscriber submits the amounts described in both Section 2699.400(a)(1) and Section 2699.400(a)(2) with her application.~~

The subscriber contribution amount shall be reduced by fifty dollars (\$50) if the subscriber submits the total annual subscriber contribution amount described in Section 2699.400(a)(2) and Section 2699.400(a)(4), with her application.

NOTE: Authority cited: Section 12696.05, Insurance Code. Reference: Section 12696, Insurance Code.